

## **REMARKS**

### **Status of the Application**

Claims 11, 13, 15-19, 23-24, 41-42, 46-49 and 56-65 were pending in this application. With this amendment, Applicants have cancelled claims 16-19, 23-24, 41-42, and 46-49. The amendments to the claims and the newly added claims are supported by the application as filed and therefore do not introduce new matter. Accordingly, entry of the amendments and the new claims is respectfully requested.

### **Election/Restriction – 35 U.S.C. §121**

In the Office Action dated May 18, 2007, the Examiner requires that Applicant elect from one of four groups of claims. Applicants have herewith cancelled all claims except for the Group I claims thereby electing those claims for examination. The Examiner further requires that Applicant elect from one of five patentably distinct species from the Group I set of claims. The Examiner has not separated pending claims 13 and 15 into any group, therefore, applicants presume that there is no issue with regard to those claims and that they will be examined along with the elected species. Applicants herewith elect species c (claims 13, 15, and 61-62) with traverse.

For the restriction to be proper, the Examiner must show both that 1) the inventions are independent or distinct, and 2) there is a serious burden. With regard to the second prong, the Examiner “must explain why there would be a serious burden on the examiner if restriction is not required.” (MPEP 808.02). To make a *prima facie* showing of a serious burden, “the examiner must show by appropriate explanation one of the following: (A) Separate classification thereof, (B) A separate status in the art when they are classified together; or C) A different field of Search.” (*Id.*). The Examiner has not provided any explanation with regard to the burden in examining all of the claims in the elected Group I. As the Examiner has not provided any explanation in this respect, restriction is improper. Moreover, Applicants have cancelled all but 13 out of the 55 claims that Applicants have paid for to be examined.

It is unreasonable for the Examiner to ask to examine only 3 of the 13 remaining claims. Accordingly, Applicants request that the Examiner examine all of the pending claims.

Conclusion

The Examiner is invited to contact the Applicants' undersigned representative at 212-829-5407 to expedite prosecution.

Respectfully submitted,

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Date

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